

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEVEN ALLEN MCGEE,
Appellant,

No. 1:09-cv-473

-v-

HONORABLE PAUL L. MALONEY

MICHAEL ALLEN BARLOW, ET AL.,
Appellants.

ORDER DISMISSING APPEAL AS UNTIMELY

Appellant Steven McGee, a federal prisoner, commenced an adversary proceeding in the United States Bankruptcy Court for the Western District of Michigan without paying a filing fee. He also filed an application to proceed *in forma pauperis*. The application was denied on April 14, 2009. Mr. McGee's notice of appeal was received by the court on May 4, 2009. The date below Mr. McGee's signature on the notice reads April 29, 2009.

The appeal is untimely. Appeals from judgments, orders, and decrees of a bankruptcy judge, both by right and by leave, must be filed within 10 days of the date of the entry of the judgment, order, or decree being appealed. FED. R. BANKR. P. 8002(a). Compliance with the ten-day filing rule is a jurisdictional requirement. *In re LBL Sports Ctr., Inc.*, 684 F.2d 410, 412 (6th Cir. 1982). Appellant filed his notice of appeal more than ten days after the order was entered.¹ Accordingly, this court does not have jurisdiction over the appeal.

IT IS HEREBY ORDERED:

1. This appeal is **DISMISSED** for lack of jurisdiction.
2. All pending motions, including Appellant's motion to dismiss (Dkt. No. 10) and Appellee's motion for extension of time to file brief (Dkt. No. 13) are **DISMISSED AS MOOT**.

Date: November 5, 2009

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge

¹If Rule 6(a) of the Federal Rules of Civil Procedure applies, notice would still be untimely.